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**Thursday, August 10, 2006**

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## THE ANN ARBOR NEWS

### Mother faces trial in daughter's death

Kayla Joplin, 3, died of torn atrium in heart, medical examiner says

Thursday, August 10, 2006

**BY SUSAN L. OPPAT**

**News Staff Reporter**

An Ypsilanti Township mother accused of killing her 3-year-old daughter told a sheriff's investigator she didn't know when to stop hitting the child because she never said "ouch," the detective testified in court Wednesday.

Washtenaw Sheriff's Detective Craig Raisanen also said LaToya Joplin told him "she was the one who was abused when she disciplined Kayla, because she would strike her to the point that her hand was throbbing. She was the one to endure pain. She blamed her daughter."

Kayla Joplin died early July 17 from a torn right atrium in her heart, a Washtenaw County medical examiner testified in 14A District Court on Wednesday.

LaToya Joplin is accused of open murder, felony murder and first-degree child abuse in the death. Joplin, who cried silently through part of the hearing, was ordered Wednesday to stand trial on the charges.

But Joplin's defense attorney, David Nacht, said his client is innocent and that investigators railroaded a grieving woman. He said the deputy made leading statements while questioning her and made her think he just wanted to discuss an autopsy report when, in fact, he hoped to pin the child's death on her.

Dr. Yung Chung, who conducted the autopsy, detailed a disturbing catalog of injuries she found on the child's body. She told District Judge John B. Collins that she found bruises that appeared to have been made with a fist in four areas of Kayla's back. She said each knuckle of the fist left a bruise.

She said Kayla's right upper front tooth was loose, and a left upper front tooth had been knocked out, consistent with a blow to the mouth. She said she found bruises on the crown and rear of Kayla's head consistent with blunt force trauma.

But it was the internal injuries, not visible on her skin, that killed Kayla, Chung testified.

Kayla had blood in both her chest and abdominal cavities, and in the sacs surrounding her heart and kidney. A "forceful" blow to her abdomen, she said, caused agonizing lacerations to the base of her liver and pancreas, both deep inside her body, and another blow to her chest tore open part of her heart.

Kayla died within five minutes of that blow, Chung said.

She also said she found old scars on Kayla's foot, and healing fractures in an arm and a rib. She said the arm had not been set.

Raisanen testified that he met a distraught and crying LaToya Joplin, 29, at St. Joseph Mercy Hospital after the toddler died. She told him, she said, that she never used physical punishment on Kayla. And, she told him, only she and Kayla's father had been with her in the 24 hours before her death, and no one had hit the child.

But then, he testified, he attended the autopsy and learned that someone had.

During a second interview at the Sheriff's Department, Raisanen testified, Joplin admitted she did hit Kayla to discipline her and that she had done so twice on the night Kayla died - once because she ran out into the street.

The detective said she told him Kayla was a willful child prone to temper tantrums, and that she broke her arm when she threw herself down the stairs last winter.

He said Joplin told him she had seen a television show on people who could not feel pain, and believed Kayla had that condition because she never said "ouch."

Raisanen crouched on the floor to describe the way Joplin mimicked her daughter's reactions to the punishment. Arms flung over his head, he cried, "No Mommy, no, Mommy, no Mommy, no Mommy," the way he said Joplin told him Kayla reacted to being hit. But she didn't say "ouch," he said, so the hitting continued.

Nacht challenged Raisanen's tactics in questioning Joplin, claiming he lured her to the Sheriff's Department by telling her he just wanted to talk about the autopsy findings, when he actually sought information that might implicate her in the child's death.

During the interview, Nacht argued, Raisanen made leading statements about what happened that night, and Joplin merely responded, "I guess so."

And, he said, police never established a time of death that is supported by either Joplin's statements or evidence. Joplin insisted the last time she hit Kayla was around 8 p.m. Kayla died within five minutes of the time she suffered an injury to her heart. She was found lifeless around 3:30 a.m.

Paramedics and doctors would not have intubated her if she'd been dead for hours, Nacht argued. And neither police nor prosecutors, he said, presented any evidence to contradict Joplin's claim.

Assistant Prosecutor Blake Hatlam countered that Joplin lied to police repeatedly, and to take her statement that she didn't hit Kayla after 8 p.m. as truth would amount to relying on "a liar and a child beater."

Nacht said after the hearing that he had hoped to counter Chung's autopsy report with one he commissioned from well-known forensic pathologist Werner Spitz, but that he still has not received Spitz's report.

While he is not prepared to offer an alternate theory of what happened to Kayla until after he gets the report, he said, "people hit children, and children don't usually die."

Joplin faces a mandatory life prison sentence with no parole if convicted of felony murder. Collins refused to grant bond for her release, and set a pretrial date of Sept. 21.

Susan Oppat can be reached at [soppat@annarbornews.com](mailto:soppat@annarbornews.com) or at 734-482-1166.

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## Chiropractor's wife comes to his defense in sex case

LANSING

THE FLINT JOURNAL FIRST EDITION

Thursday, August 10, 2006

By Shantell M. Kirkendoll

skirkendoll@flintjournal.com • 810.766.6366

LANSING - The wife of a Fenton chiropractor testified that a teenage girl was wrong in saying her husband fondled the girl during a home visit in the couple's basement.

"If I had walked in on something inappropriate, I would have jumped all over him," said Michelle Moore, wife of Dr. Robert Moore, who could lose his chiropractic license because of the claim. "And he'd have a nice divorce on his hands."

Robert Moore, 41, is battling the state Department of Community Health, which has accused him of negligence. Police have charged him with sexually fondling a total of 11 women. He is free on bond in those cases, each a 2-year felony.

Michelle Moore was questioned for four hours Wednesday, and her testimony was at times tearful.

The allegations against her husband have been hard on her family, friends and staff at TLC Chiropractic, her husband's office. But she had tough words for the then-16-year-old file clerk who claims Moore often fondled her during chiropractic sessions staff were expected to undergo daily.

"Looking back, I should have fired her," said Michelle Moore, who took care of billing and employee hiring and training at TLC.

Instead, when problems arose with the girl's filing of patient records, Michelle Moore asked her to babysit their young son.

That worked out poorly, too, said Michelle Moore, because the girl was often late, whined about headaches, and during a weekend trip to Northville for a hair appointment did not give change from buying a smoothie.

It was Michelle Moore who suggested, after they returned to the couple's lakeside home in Argentine, the girl get an adjustment from Robert Moore for her headache.

Ten minutes into the session, the girl said Michelle Moore walked downstairs as the chiropractor was touching the teenager's breasts.

"Her shoulders were exposed, but everything else was covered," Michelle Moore recalled. "He did not have his hands on her breasts or anywhere near her breasts. It was a chiropractic adjustment."

Still, Michelle Moore stayed in the room, she said, so he would finish quickly and begin grilling dinner. During earlier testimony, the teen said the woman left.

### QUICK TAKE

What's next?

- Dr. Robert J. Moore, a Fenton chiropractor, faces what's expected to be one final day of testimony next week in a state licensing hearing. He continues to see patients while charges of negligence, incompetence and lack of good moral character are argued before an administrative judge.

The girl dressed and left after the adjustment, but said she was so troubled she told her parents about the months of touching and they made her quit her job in July 2003.

The state's attorney questioned whether the girl was such a bad employee. Michelle Moore made notes in workers' employee files when they had a messy desk or filing mistakes. No such notation is made in the teen's work file.

Attorneys for the chiropractor are expected to call three more witnesses, all patients, when testimony resumes in Lansing on Tuesday.

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## Muskegon Chronicle

### Police: Mother's lover given daughter for sex

Thursday, August 10, 2006

By Lisa Medendorp

CHRONICLE STAFF WRITER

A woman afraid of "losing" her boyfriend while she was recuperating from surgery arranged to have her 15-year-old daughter be his sex partner for two months.

The man and woman now face multiple felony charges. Evidence against them includes testimony of a written contract signed by all three that specifies the sexual services and the "pay" the girl would get, including clothing and body piercings.

The investigation also has led to additional charges against the 37-year-old man for the alleged sexual abuse of a second girl who is younger than 13.

Michael Jon Fitzgibbon, of 35 Harrison, remains lodged in the Muskegon County Jail after a judge denied bail in one of the cases.

The Chronicle is not identifying the mother charged in the case to protect the daughter, who is a victim of sex abuse and not charged with any crime in the case.

The woman posted a \$25,000 surety bond after her 60th District Court arraignment Tuesday on three counts of third-degree criminal sexual conduct involving a person 13-15 years old. It is a 15-year felony.

Muskegon Heights Detective Calvin Mahan said the woman "helped facilitate" a two-month sexual relationship between her boyfriend and her daughter.

Mahan said the woman "was going to have some surgery and she was afraid she was going to lose her boyfriend." A written contract between the woman, Fitzgibbon and the 15-year-old was drawn up, with the teen to serve as a sex substitute, authorities said.

In late July, Fitzgibbon was charged with a total of six counts of third-degree criminal sexual conduct in two separate cases involving the 15-year-old girl, who finally told another adult what was going on, authorities said.

After testimony Monday from the girl during Fitzgibbon's 60th District Court preliminary examination, Mahan arrested her mother in the hallway outside the courtroom.

"It's incredible that any parent would be involved in such a blatant case of abuse against her own daughter," said Muskegon County Prosecutor Tony Tague. "This is one of the most unusual cases of child abuse that has come across my desk."

Police said that in exchange for providing Fitzgibbon with sex, the teen would receive a desired item, such as a body piercing, clothing or a visit from her boyfriend.

Mahan said Fitzgibbon and the 15-year-old girl had sex "close to 20 times" during June and July. The girl testified in court that she chose to put on a mask when she had to have sex with Fitzgibbon. The mask was described as a sleeping mask. The girl also said she never wanted to have sex with him.

Fitzgibbon was bound over to 14th Circuit Court to stand trial in the two third-degree criminal sexual conduct cases.

However, since the original charges against Fitzgibbon, authorities say a 12-year-girl disclosed multiple instances of alleged sexual abuse. On Friday, Fitzgibbon was arraigned before visiting 60th District Judge Richard J. Pasarela on six counts of first-degree criminal sexual conduct with a person younger than 13, a potential life felony.

Bond had been set in the earlier cases, but in the latest, Pasarela denied bail. Preliminary examination has been set for Aug. 17. The mother faces preliminary examination Aug. 22.

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## State tightens reins on sex offenders, Net abusers

Wednesday, August 09, 2006

By Kathryn Prater

The Grand Rapids Press

GRAND RAPIDS – The state is cracking down on sex offenders who refuse to check in with authorities and who use the Internet to prey on children.

During a stop here Tuesday, Gov. Jennifer Granholm announced state police have a new Web site showing names and faces of the top 10 sex offenders who have failed to register their whereabouts with the government. She also said the state soon will track registered sex offenders who victimize children through MySpace.com, a popular social networking site.

The Michigan Department of Corrections plans to train parole agents to use the same methods as Internet-savvy criminals.

They will "walk the halls of cyberspace to ensure that sex offenders are not using technology to locate and to stalk victims," Granholm said at a news conference at the Grand Rapids Public Library's main branch.

"As wonderful as technology is for easing communications, it's also a tool that makes children vulnerable," she said.

MySpace has more than 8 million users younger than 18, according to the governor's office.

The state police's new "Have You Seen Me?" top 10 list of absconders will "help us locate the worst offenders – those individuals convicted of felony criminal sexual conduct, who have blatantly disregarded their responsibility to report their address to law enforcement and may be out there with the intent of preying on our children," state Police Director Col. Peter Munoz said.

The site, [michigan.gov/absconders](http://michigan.gov/absconders), will be updated regularly. Under the state's sex offender law, registered offenders must report their addresses and verify them quarterly or yearly, depending on their offense, he said.

Fifth on the current list is Dennis Malone, a 49-year-old sex offender who last reported a 2005 address in Grand Rapids. The site lists seven offenses for Malone, six of which involved children younger than 13.

Anyone with information regarding the whereabouts of those on the Top 10 list should call the Michigan State Police Sex Offender Registry Unit at (866) 761-7678.

"We are reaching out to concerned citizens and parents to send a message to sex offenders: You can run, but you can't hide," Munoz said.

**Send e-mail to the author: [kprater@grpress.com](mailto:kprater@grpress.com)**



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## Warren may ban sex offenders from parks

Councilwoman introduces measure to keep child molesters away from some areas popular with kids

PUBLISHED: August 10, 2006

By Norb Franz  
Macomb Daily Staff Writer

Sex offenders would be banned from municipal parks and recreation centers in Warren under a proposal to be considered by city officials.

The intent, officials said, is to keep child molesters and anyone else on Michigan's sex offender registry away from some areas popular with kids.

"We should keep the predators away from those places, rather than keep kids away from those places," said City Councilwoman Melinda Moore, who introduced the measure this week.

Council members voted late Tuesday to direct Warren's legal staff to research the issue and draft an ordinance. If implemented in some form, the law could become the first of its kind in Michigan.

Officials noted that local government cannot be too restrictive in limiting where criminals can go, but believe they are solid legal ground in trying to keep sex offenders away from parks and recreation centers.

"We could be breaking new ground here," Constance said. "On its face, it does not appear unconstitutional. On its face it appears a logical extension of what the state has already done."

Constance pointed out that Michigan requires convicted sex offenders to register their address with the local police department on a quarterly basis every year. In that sense, government tracks the movement of people on the sex offender registry.

Warren officials hope to take that a step further, the same way state law prohibits sex offenders from getting closer than 1,000 feet from a school. Officials said a proposed ban in Warren likely will include a distance requirement that establishes a perimeter of sorts for offenders to stay back.

"It just makes sense to extend that same protection to other public places where kids may gather and play. Parents should be able to expect some level of safety in our parks and recreation centers," Moore said.

A spokeswoman for the American Civil Liberties Union said the organization would not comment yet on the council's initial action.

"If there isn't concrete language or an imminent threat of concrete language, we have no comment," said Rana Elmir, communications director for the ACLU in Michigan.

More than 200 people on the state sex offender registry reside in Warren. But a proposed ordinance, if approved, would equally apply to such criminals who live in neighboring or more distant communities but who pass through Warren.

As a city ordinance, a violation could be no more than a misdemeanor offense with a maximum punishment of 90 days in jail and a \$500 fine.

Joe Munem, spokesman for Mayor Mark Steenbergh, said the administration supports the idea.

"We would welcome anything that would protect kids at the Warren Community Center or parks," he said.

The city operates a second recreation facility -- the Owen Jax Activity Center -- on Nine Mile Road, east of Van Dyke.

Moore, who has a 16-year-old son and a 13-year-old daughter, said she doesn't envision police officers randomly asking adults near parks for identification. However, families should be able to call police to question someone "lurking" in or around any of Warren's two public recreation centers and two dozen city parks and force them out even if the person hasn't done anything overt to someone else.

The state registry has drawn some criticism over the years because it includes non-predatory offenses like urinating in public, and teen-age lovers engaged in sexual acts before age 16, the age of consent in Michigan.

Constance said the ordinance that he will draft may include some options for council members to implement. The measure could apply to everyone on the sex offender registry or to those convicted of certain crimes.

"If it's challenged, we want to be able to show the court we put a lot of time into this and did it in good faith," he added.

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## KALAMAZOO GAZETTE

### Voters: `Yes' to taxes to preserve services

Thursday, August 10, 2006

Conventional political wisdom likes to suggest that all Michigan voters want is more tax cuts, no matter how many federal, state and local programs are gutted.

But Tuesday's election results suggest otherwise.

Voters in Kalamazoo County overwhelmingly voted themselves a property tax increase to build a new juvenile home to replace the dilapidated old one where juvenile offenders are housed, schooled and counseled. And Comstock Township voters renewed a property tax levy for senior-citizen programs.

In Van Buren County, voters approved a property tax increase for public transit. And voters in Allegan County agreed to raise their taxes for roads, while voters in Cass and St. Joseph counties approved tax increases for emergency services.

What's going on here? Don't the voters hate taxes?

There aren't many who like paying taxes. Who hasn't appreciated the federal and state tax cuts we've received in recent years?

But they're also starting to get a little concerned about repeated service and program cuts at the federal, state and local levels that are beginning to affect their communities' quality of life.

The federal budget is running a massive debt, crushed between mounting war costs and big tax cuts. Congress and the White House are attempting to reduce the size of the annual deficit by cutting programs and money that normally would be returned to the states.

In Michigan, the state budget, straining between its own tax cuts, cuts from the federal budget and the state's struggling economy, can't run a deficit and must be balanced. So it slashes appropriations – to colleges and universities, to parks, to social services, to local governments.

And so now the local governments – cities, villages, townships and counties – which have been going through one round of cost-cutting after another, are finding they're having to ask their voters for permission to increase property taxes to pay for some basic services.

Voters responded affirmatively. Public safety, roads and public transportation are among basic services residents have a right to expect from their governments.

But voters weren't writing blank checks on Tuesday. They said no to tax increases for parks, for blight enforcement and for operations at Southwestern Michigan College. It is possible that voters still feel those are unaffordable extras.

The message from voters on Tuesday was this: We're not crazy about tax increases, but we'll pay to keep some of the services we value.

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## 13-year-old will get probation in plea deal after bringing gun to school

Thursday, August 10, 2006

By John Tunison

The Grand Rapids Press

ALLEGAN – Wearing shorts, sandals and a T-shirt, Brian Moore looked like any other boy enjoying the summer off from school.

But the 13-year-old blond – who could pass for an elementary student with his small stature and innocent face – found himself before a court referee Wednesday trying to salvage a childhood drastically altered by a mistake in April.

Moore brought a loaded 9 mm Ruger handgun to Hopkins Middle School in his backpack and showed it to a friend. From there, his troubles snowballed as police arrived, arrested and charged him and took him to the Allegan County juvenile detention center.

Later, he was expelled from Hopkins Schools, as required by the state's zero-tolerance law.

Moore, with his mother sitting to his right and attorney on his left, spoke in an almost imperceptible voice as he accepted a plea agreement that likely will lead to probation.

Answering "yes, sir" to questions from referee Craig Sewell, he pleaded guilty to attempted carrying a concealed weapon.

When school administrators discovered the gun in Moore's locker April 19 – tipped off by students who heard it was there – it sent a shockwave through the small village of Hopkins. Few residents believed it could happen in the rural district known for its rolling farm fields and quaint downtown.

Wednesday, Moore's attorney, Heidi Wolf, said the incident was blown out of proportion. Moore, then 12 and attending seventh grade, never intended to harm anyone and had the gun in his backpack so his younger brother would not play with it, she said.

"It was a young man who didn't want to leave the gun alone with his brother," she said. "Brian's aim was to put the gun out of his view."

The boys, with the younger brother in the fifth grade, got the gun from a locked safe owned by their mother's boyfriend, now her husband. Police were unsure how they obtained the key.

Along with the gun in the backpack, Moore also brought an ammunition clip from an assault rifle and a knife to school.

"It was a bad decision, just not thinking on his part," Wolf said. "Obviously it was not safe to bring it to school, but he thought it was safer than leaving it with his brother."

She admitted Moore wrongly "showed off" by displaying the ammunition clip and knife to friends and telling about a gun in his locker.

Moore's mother, Shelly Ballard, declined comment after Wednesday's hearing.

The Hopkins Board of Education expelled Moore late in the school year and recommended he attend Outlook Academy, a charter school in the Allegan area able to accept students expelled for weapons violations.

Moore, who was released on bond in the weeks after the incident, will be sentenced at a later date. As part of the plea agreement, two other felonies of possessing firearms in a restricted area and firearms possession by a minor will be dismissed.

Prosecutors said they will not object to reducing Moore's conviction to a misdemeanor if he is not convicted of another felony in the next two years.

**Send e-mail to the author: [jtunison@grpress.com](mailto:jtunison@grpress.com)**

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## **SIKKEMA OFFERS E.I.T.C./MERIT AS OVERTIME COMPROMISE**

Gongwer, Tuesday, 8/09/06

Senate [Majority Leader Ken Sikkema](#) (R-Wyoming) has proposed movement on two items Democrats have wanted – an earned income tax credit and enactment of Governor Jennifer Granholm’s proposed Merit Scholarship plan – as a way of breaking the legislative log jam on a compromise on overtime rules in the state’s new minimum wage.

And with Mr. Sikkema is putting the pressure on lawmakers to resolve the issue by September 1, by calling the Senate back in on August 30.

The Senate on Wednesday discharged the Merit Scholarship proposal, [SB 1335](#), from the Appropriations Committee and the EITC, [SB 453](#), from Finance and put them on the floor for action. Nothing further was done with the bills, but in a statement Mr. Sikkema called on Democrats to “consider these worthwhile proposals.”

Mr. Sikkema did not specifically offer the proposals as a trade for votes for immediate effect on [HB 6213](#). The bill would exempt workers not now receiving overtime pay – such as sales people working on commission – from receiving overtime when the state’s new overtime pay rate takes effect in October.

But in the statement issued to reporters, Mr. Sikkema made the linkage between the two bills and the overtime situation abundantly clear. Saying again, as he did last month, that the Legislature needs to act by September 1 to allow companies to adjust their payroll systems, he said: “We need to move swiftly and get Michigan back on track. With this spirit in mind, Senate Republicans are moving today to discharge two important measures,” the EITC and Ms. Granholm’s merit scholarship proposal.

When the overtime bill was passed earlier this year – boosting the current \$5.15 an hour to \$6.95 an hour – it was discovered later that as written it would require thousands of people to be paid overtime who are not now getting overtime. Both companies and many workers have called on the Legislature to fix the situation before the new wage rate takes effect.

HB 6213 has passed both houses, but not been given immediate effect. Without IE it could not take effect until 90 days after the Legislature adjourns sine die. Democrats have acknowledged the change is needed, but have also acknowledged they want a policy enacted they have favored.

Up to this point, most the attention had been on legislation that would change the Supreme Court’s 2004 ruling in *Kreiner v. Fischer* that determined when a person injured in an auto accident could qualify for non-economic benefits. Mr. Sikkema has made it plain he will not consider a change to that decision, and the momentum has seemed to make any compromise on the decision less likely.

But some agreement needs to be found, and last month both Mr. Sikkema and Senate Minority Leader Bob Emerson (D-Flint) said they would work together to find a solution.

The two met in Mr. Sikkema’s office for what was described as a substantive meeting, although no agreements were reached. The two agreed to meet again.

Both the EITC and the Granholm Merit Scholarship proposal have been urged by Democrats for some time and held up by Republicans, even though SB 453 is sponsored by [Sen. Nancy Cassis](#) (R-Nov). The EITC proposal would provide extra income tax savings for low income individuals, on the same line as the federal EITC that was enacted during the administration of former President Ronald Reagan.



The Granholm Merit proposal, which Mr. Sikkema had previously opposed in part because its cost, would guarantee all state students attending college or community college a \$4,000 scholarship after their first two years in school.

“While each of these measures would have an impact on our state budget, I am willing to put them forward because both have enormous potential. Let’s be bold and move our state forward,” Mr. Sikkema said in his statement.

Senate Democrats did not make a statement directly about Mr. Sikkema’s proposal.

Liz Boyd, Ms. Granholm’s press secretary, said she had no reaction to Mr. Sikkema’s proposal other than “it’s nice to know that they think the new merit scholarship has some merit.”

But on the whole issue of the overtime fix, Ms. Boyd said: “Stay tuned.” The governor said last month she was willing to work with the Legislature to “solve the problem they have created.”

## **Sikkema, Emerson Barter On Minimum Wage Fix-It**

MIRS, Wednesday, August 9, 2006

Senate Majority Leader Ken [SIKKEMA](#) (R-Wyoming) offered today to move legislation embodying the Merit Scholarship changes Gov. Jennifer [GRANHOLM](#) want in exchange for her support for the minimum wage "fix-it bill," but Senate Democrats countered with a proposal that tucks tipped employees into the recently increased state minimum wage.

Senate Minority Leader Bob [EMERSON](#) (D-Flint) and Sikkema met this afternoon on the issue in a meeting later described by Republicans as "substantive." The two agreed to meet again, with Sikkema expressing his desire to vote on a fix to the minimum wage bill on Aug. 30.

Either way, the message from Senate Republican leadership was that fixing the new state-set minimum wage so that nurses, truck drivers, sales people and other employees with non-traditional schedules would be exempt from overtime requirements, as they are under current law, "must be done." If the fix isn't made by Oct. 1, businesses throughout Michigan will be forced to pay overtime to who are currently not eligible, adjust schedules, switch around payroll systems, and supposedly layoff some workers.

Originally, Democrats and Granholm wanted changes in the state's personal injury law in exchange for fixing a problem (they argued) the Republicans created. Sikkema said he will not go there, but during today's session, he gave the press a copy of two statements.

The first asked that the overtime fix-it be fixed by Sept. 1. The second said that the Legislature would quickly look at a bill that would give earned tax credits to poor families and that Granholm be given her Merit Scholarship change, which would give \$4,000 scholarships to college students — the first \$1,000 after high school graduation, the next \$1,000 after the first year of college and the rest after the first two years of college.

"We need to move swiftly and get Michigan back on track," Sikkema said. "With this spirit in mind, Senate Republicans are moving today to discharge two important measures. One is [SB 0453](#), which offers an earned income tax credit and a helping hand for thousands of deserving, low-income families. The second is [SB 1335](#), which would provide merit scholarships and help Michigan's students go to college and prepare for jobs of tomorrow. While each of these measures would have an impact on our state budget, I am willing to put them forward because both have enormous potential. Let's be bold and move our state forward. I strongly encourage my colleagues on the other side of the aisle to consider these worthwhile proposals."

Emerson appears to be on board with Sikkema's possible trade off.

"It would be wonderful if that would be a part of it," Emerson said about the possibility of the Merit scholarship and income tax credit being a part of the overtime exemption agreement. Emerson then pointed out that the income tax credit was his baby while the merit scholarship was Sikkema's.

For his part, Emerson introduced a bill that would tie tipped employees into the gradual increase of the minimum wage. This mostly impacts waiters and waitresses, who would make \$7.40 an hour by 2008 like everybody else under this plan. It also includes day care and babysitters under the minimum wage overtime exemption.

It also puts the state, not the federal government, in charge of the state's overtime and minimum wage rules.

"In general, I agree that we need some fixes," Emerson said.

Auto dealers and other professionals who work on commission should not have to go back to figuring out

their working rate based on the number of cars sold, he said.

When asked if his bill would continue to exempt nurses from overtime laws, which is one profession Democrats have really been pushing to "protect" from the exemptions, Emerson said: "Most of the things in the federal law I don't have a big issue with but we're not on board totally."

But they're not that far apart either.

When asked what the two sides weren't totally on board with, Emerson said, "At this point we want the overtime exemptions written into Michigan law."

At the end of July, Sikkema said he'd had positive conversations with Emerson regarding the fix but then passed the bill for the day presumably because he didn't have the Democratic votes to get the bill passed and give it immediate effect. Without immediate effect, which would require Democratic support, the current overtime exemptions would expire on Oct. 1. So simply passing the legislation, which the Republicans can do on their own, would not solve the problem. (See "[Senate OKs Private Use For Baldwin](#)," 07/26/06).

So where is the Governor on Emerson's bill and Sikkema's suggestions?

In June, Granholm threatened to veto [HB 6213](#) but indicated that she might be inclined to sign it if the Legislature would undo Michigan Supreme Court's 2004 ruling in *Kreiner v Fischer* (See "[Sikkema: No Way On Kreiner](#)," 6/30/06).

Trial lawyers have said that this case, which sets a standard for judges and juries to determine "serious impairment of body function," has altered the no-fault law enough to harm citizens.

Neither Sikkema nor Emerson mentioned anything about the *Kreiner* decision in their comments. Sources tell *MIRS* the Republicans have flatly rejected the idea of changing the statute to overturn *Kreiner*.

Granholm's Press Secretary Liz [BOYD](#) was somewhat vague about the discussions, but said the Governor continues to be willing to work the Legislature.

"All I can say is stay tuned in," Boyd said. "She is willing to work with lawmakers to solve a problem they've created. She is not willing to take something away without getting something in return."

Boyd did say the administration is pleased that Sikkema is acknowledging that the new Merit scholarship has some merit. However, tinkering with the merit Scholarship program may be doable on the Senate side, but there's been no signal that House Speaker Craig [DeROCHE](#) (R-Novi) would be willing to take such a measure up.

Perhaps Sikkema is betting that if DeRoche were faced with the Oct 1 deadline on the needed fix, he might be pressured into considering the Merit Scholarship changes. However, sources on the House side of the equation say they expect more negotiations and possibly several nuances to get involved before a deal is reached.



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Published August 10, 2006

## Thursday's letters to the editor

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### Where's health plan?

Working in the public health arena, I've witnessed firsthand the amazingly high number of Michigan citizens who are forced to live without health care.

I also am an avid campaign hawk, and have been waiting patiently for months to hear what Dick DeVos plans on doing about this severe problem. Day in and day out I read press releases, check his Web site and watch TV commercials ... just hoping for some sort of tangible game plan.

But, alas, there's nothing. Rich or poor, everyone knows how expensive health insurance can be.

Do we really want a governor who is going to feed us a bunch of hollow promises to get our vote and when we really need relief, shrug his shoulders and forget what he'd promised? It's time to step up to the plate, Dick.

Megan Atkinson  
Lansing

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### Stabenow wrong

U.S. Sen. Debbie Stabenow, D-Lansing, recently opposed a bill that would end the practice of allowing underage pregnant girls to flee to neighboring states for an abortion without any parental notification. Her vote circumvents current Michigan law. Isn't the primary purpose of a Michigan senator to uphold our laws?

Stabenow's vote exposes her relentless pursuit of a left-wing agenda for Michigan. She has even endorsed overseas abortions that are funded with Michigan taxpayer's dollars.

Michigan deserves a senator who will respect life and protect the rights of parents. Next time you vote, remember, Stabenow jeopardizes Michigan families.

George Hurrell  
Lansing

**Granholm vacant**

I have a comment about Cindy Agle's July 18 letter, "Veto appreciated."

Dick DeVos is only trying to loosen the spiked collar around our necks. Ever since Jennifer Granholm, took over, laws have been passed or voted on without so much as a thought from her.

Take, for instance, if you worked over eight hours a day, the company you work for is required to pay overtime. Now, how is that fair, when you have people who request four 10-hour days? No thought from Granholm; just a brainless decision.

Who is really trying to help out? Take a better look at the big picture. Thanks to Granholm for pulling the choker a little tighter.

Lisa Lammert  
Lansing

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**Others did work**

In his July 20 letter, "Bernero succeeds," Terry Redman credits Mayor Virg Bernero with resolving the UAW contract, solving an \$11 million deficit, saving Potter Park Zoo, and fulfilling the promise for a South Side Community Center via Triangle sale proceeds.

The contract is identical to Tony Benavides' offer. I smell a rat.

On May 15, 2005, the City Council "solved" the deficit by removing and reducing 121.2 positions; offering early retirements to 47 employees; cutting costs and freezing wages; and increasing indoor fees and closing the outdoor rink at Washington Park, thus saving \$11,483,405.

Bernero promised not to raise taxes, but he's taxing us with a countywide zoo millage.

David Hollister initiated the Triangle deal. Darnell Oldham and John Pollard resurrected the South Side Center.

Implying Pollard participates in the mayoral recall, because he's bitter about losing a council race is nonsensical.

Taking credit for others's deeds equals Bernero's successes.

Charlene Decker  
Lansing

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**See the 'Truth'**

How many LSJ readers have seen the movie "An Inconvenient Truth?" I just saw it, and I think everybody in the country, or everybody in the world, should see it. It's about global warming, and it's facts, folks.

There's not much time left to see it in the theaters, and if we don't do something about the situation, there may not be much time left for the world, either.

It should be shown at a session of the United Nations because it affects the entire planet, not just the United States.

J. Gay Cowels  
Lansing

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#### **Learn about church**

I am writing in regard to the July 22 editorial cartoon. The cartoon implies that the Mexican immigration problem is the fault of the Catholic Church and its birth control policies. The cartoonist is just plain wrong.

To reach such a conclusion, he has to either have a limited knowledge of the Catholic Church and its teachings, or he just does not care what the truth is. I will assume it is the former.

That being the case, I ask that the cartoonist have an open mind and take the time to learn about our church in depth, beginning with the church fathers.

Once he does that, he will have a much more accurate opinion of the church and its teachings. He will have an understanding of why the church believes what it does and why those beliefs are good for all of mankind.

Peter J. Schafer  
Pewamo

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#### **Kelly disappoints**

Community Advisory Board member Keith Kelly's columns are, at best, disappointing.

A former Marine, he says he worked with Israeli forces and served in Iraq. His experience, talking to people in Iraq, duties in the military and background in combat, gives him a unique view of Mideast affairs not available elsewhere.

So, who, how many and what organizations support insurgents in Iraq? Why are Sunnis and Shiites killing each other? Can our troops stop the violence? What effect have the prison scandals had and how do we get out of Iraq?

Instead of dealing with these issues, Kelly mounts an attack on a number of loyal Americans, many of whom support the war and the troops.

Kelly is right about one thing - the only people doing the fighting are soldiers. Kelly should ask for a return of the draft so soldiers would not have to keep returning to Iraq.

Ed Boucher  
East Lansing

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#### **LSJ, don't mislead**

Please be careful not to mislead your readers. Your Aug. 3 report, headlined "Democrats rally to block boost in minimum wage," actually dealt with the Democrats' attempt to prevent Republicans from inserting language that would give tax cuts averaging \$1.4 million to 8,200 of their richest friends.

Most Democrats support an increase in the minimum wage.

Bob Johnson  
DeWitt

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### **Balance plates**

The new license plate shows the lower peninsula much clearer than the upper peninsula. Michigan is comprised of two peninsulas, and if the wording along the bottom of the plate is to say "Spectacular Peninsulas" (plural), then the two peninsulas ought to show equally clearly on the plate.

The state of Michigan should never be shown without the upper peninsula and should always be shown in correct scale with the lower peninsula.

Merry Strohmer  
Lansing

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### **DeVos can't take it**

Dick DeVos disgusts me. He's been throwing mud at Gov. Jennifer Granholm since February, and he has the nerve to go on TV now and say "Let us not get down in the mud."

Don't like paybacks, huh, Dick?

Guess who I'll vote for? It's easy to sit on the sideline and criticize.

Pat Butler  
St. Johns

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### **Letter elicits laugh**

It's laughable that Mel Hull (Letters, July 25) continues to perpetuate the claim that WMDs have been found in Iraq. He and Sen. Rick Santorum, R-Pa., must be the last two people on the planet who still believe it.

Like all the other right-wing manna, keep throwing it against the wall and some of it is bound to stick.

Perhaps he should also remind us that Saddam Hussein was behind the 9/11 attack.

Hull blames environmentalists for high gas prices because they have prevented refineries from being built. Not only is Big Oil reaping record profits, so are the refineries. The refineries have

intentionally stifled supply to prop up prices. Putting more supply on the market drives the price down.

This may be difficult to comprehend for someone who crows about a \$300 billion budget deficit.

Burr Fisher  
Bath

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## Food pantries falling short

Thursday, August 10, 2006

By Elizabeth Piet

The Grand Rapids Press

GRAND RAPIDS – Four-year-old Dion Stanton climbed into the back of his family's car, surrounded by cereal, canned goods and juice – all recently picked up from the Salvation Army's emergency pantry.

His mom, Carolyn Stanton, 24, said she and her son moved to Grand Rapids last week from Detroit and she visited the pantry while getting settled in. She tried to pick out healthy foods for her and her son – he likes corn and spinach.

But the Salvation Army was out of fresh fruits and vegetables Wednesday, a need many area food pantries expressed.

"If people have excess produce from their gardens your local food pantry would love it," said Terry Cruzan, coordinator for emergency services at the Salvation Army.

Summer months can strain pantry resources with more children to feed who are not in school to receive free or reduced lunches and fewer donations from churches and charities that often focus on the holidays.

"In summer, there is really a critical need for food," said Marsha DeHollander, program director of the All County Churches Emergency Support System. The organization distributes food to about 100 pantries.

"The theme we use in the summer is: Hunger doesn't take a vacation," DeHollander said.

This summer, many families have the extra burden of high gas prices, food that spoiled during July's power outage and the financial hardships from high utility bills this winter, especially natural gas.

The Salvation Army typically serves about 80 families a week, but saw almost 430 families total in July, Cruzan said. With school starting soon, many parents also are trying to purchase clothes and supplies.

"They're caught between food and other family necessities," Cruzan said.

The burden has shown up at John Knox Community Pantry where families are allowed to come every four weeks, but some have been trying to come after three because of their need, said Cindy Burri, pantry co-director.

The organization serves about 500 families a month in the Kentwood area.

With kids home, "the food that we do give them goes faster," Burri said.

Burri said the pantry tries to alert supporters to extra needs in the summer and stock up during annual WZZM-TV (Channel 13) "Food for Families" campaign in July. But sometimes the pantry is forced to cut back on the amount each family receives.

With some items, including fruits and vegetables, the need for consistent donation is important, Cruzan

said.

"Most of the organizations that distribute foods have limited storage capacity especially in terms of frozen and refrigerated food," he said.

**Send e-mail to the author: [epiet@grpress.com](mailto:epiet@grpress.com)**

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JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
MICHIGAN DEPARTMENT OF HUMAN SERVICES  
LANSING



MARIANNE UDOW  
DIRECTOR

## News Release

**Contact: Stepheni Schlinker or Maureen Sorbet (517) 373-7394**

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### **Michigan efforts to improve racial equity in child welfare reform draw national attention**

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**August 10, 2006**

LANSING – Michigan's efforts to address the overrepresentation of children of color in the state's child welfare system will get national attention when Department of Human Services Director Marianne Udow addresses the National Conference of State Legislatures (NCSL) Annual Conference in Nashville, Tenn. on Aug. 14.

In March, a state task force on the overrepresentation of children of color in child welfare, co-chaired by Udow and Detroit-based Skillman Foundation CEO Carol Goss, released a report detailing recommendations intended to provide better outcomes for children of color served by the state's child welfare system.

In every state, African American and Native American children have historically made up a disproportionate percentage of the child welfare population when compared to their percentage of the general population.

"Michigan is taking a comprehensive approach to addressing this national concern," Udow said. "The recommendations made by the task force in Michigan include initiatives we have already put in place as well as new strategies that will make a lasting difference for Michigan's children."

Sen. Bill Hardiman of Kentwood will join Udow in a panel discussion that will examine the causes and extent of this problem, discuss how some states have made racial equity a public policy priority, and identify promising practices to reduce racial disproportionality and negative outcomes for children of color in child welfare.

Robert Hill, an author, national expert and researcher on child welfare disparities who consulted on the Michigan project, said Michigan's effort is unique among states.

"Michigan and its outstanding advisory committee should be strongly commended for its pioneering strides," Hill said. "This effort will serve as a model to spur similar initiatives to combat minority overrepresentation by states across the nation."

The Department of Human Services (DHS) is addressing many of these child welfare issues through a number of program improvements and initiatives already under way:

- DHS has already adopted a new approach to child welfare that focuses on involving families in decision-making, keeping children with birth families whenever safely possible, and when out-of-home placement is necessary to assure the safety of the child, increasing the number of placements with relatives.

*-MORE-*

- The department received a federal waiver that allows the use of Title IV-E funds to expand innovative prevention and family support programs.
- The department is already working with funding sources to determine where flexibility exists to support community-based initiatives.
- DHS is encouraging relative caregivers to become licensed foster parents to support the placement of children with relatives.

These initiatives are already showing results statewide. The overall foster care caseload dropped by two percent since 2004, and the percentage of out-of-home placements with relatives has increased by over 10 percent since 2003.

For more information about the Department of Human Services, to view the equity report online or to download it, visit [www.michigan.gov/dhs](http://www.michigan.gov/dhs)

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